

Prob 12C (7/93)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

2024 JAN -4 PM 5:06
FILED
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Alberto Gonzalez-Pena

Case Number: EP:23-CR-2508KC(1)

Name of Sentencing Judicial Officer: Robert C. Brack, Senior U.S. District Judge in the District of New Mexico

Date of Original Sentence: June 9, 2022

Original Offense: Count 1: Conspiracy to Transport Illegal Aliens, in violation of 8 U.S.C. §§1324(a)(1)(A)(ii) and 1324(a)(1)(A)(v)(I)

Original Sentence: Twenty-four (24) months with credit for time served and one (1) year supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: March 7, 2023

Assistant U.S. Attorney: Luis A. Martinez

Defense Attorney: Pedro Pineda

PREVIOUS COURT ACTION

The case was originally sentenced in the District of New Mexico, Las Cruces Division under Docket No. 2:21CR00489-001RB. On March 7, 2023, Gonzalez-Pena's supervision term commenced in the Western District of Texas El Paso Division.

On December 21, 2023, jurisdiction of this case was accepted by the Western District of Texas and reassigned to the docket of the Honorable Kathleen Cardone under Docket No. EP:23-CR-2508KC(1).

PETITIONING THE COURT

To issue a warrant

To issue a summons

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number 1: The defendant shall not commit another federal, state, or local crime during the term of supervision.

Nature of Noncompliance: According to the Criminal Complaint filed on December 6, 2023, under Docket No. EP-23-CR-2550KC(1), in the Western District of Texas, El Paso Division, on December 4, 2023, U.S. Border Patrol agents assigned to the Santa Teresa Port of Entry were conducting surveillance operations on Strauss Road in Santa Teresa New Mexico. At around 4:20 a.m. agents observed an Acura SUV and a Chevrolet SUV

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traveling south on Airport Road. U.S. Border Patrol agents observed as the vehicles traveled in tandem, following along the road at an unusually slow pace. The vehicles made their way to Strauss Road simultaneously making a U-Turn, and subsequently coming to a stop at Mile Marker 2. U.S. Border Patrol agents watched as the vehicles continued to travel in tandem, making their way back to Pete Domenici Highway. Thereafter, agents noticed a change in the Acura SUV, as it now appeared to be riding low as if it was heavily weighted down. Due to the increase in vehicles not yielding to Law Enforcement, U.S. Border Patrol agents requested the assistance of a marked unit to safely perform an investigatory stop. The assisting agents maintained visuals of the vehicles as they made their way on to McNutt Road and Country Club Road, where the vehicles split off into two different directions. Subsequently, a Texas Department of Safety (TXDPS) Trooper conducted a traffic stop on the Chevrolet SUV on Mesa Street in El Paso, Texas. U.S. Border Patrol agents approached the vehicle and questioned all the occupants as to their citizenship. The driver, who identified himself as Alberto Gonzalez-Pena stated he was a citizen of Cuba with a valid asylum status. The agents then discovered two additional passengers in the vehicle hiding under the rear seats. The individuals were determined to be Undocumented Aliens (UAs) from Mexico. Gonzalez-Pena and the Undocumented Aliens were placed under arrest and taken to the Border Patrol Station for processing.

Upon acknowledging his Constitutional rights, Gonzalez-Pena admitted to knowing the individuals he picked up were illegal aliens. Gonzalez-Pena stated he didn't know how much he was going to be paid per illegal alien or where he was taking them. Additionally, Gonzalez-Pena stated he participated in the smuggling scheme out of financial necessity and admitted he had done it once before.

Subsequently, the other driver in the Chevrolet SUV was also arrested along with a passenger, both of whom identified themselves as United States citizens. A search of the Chevrolet SUV lead to the discovery of six (6) undocumented aliens, who were also placed under arrest in what appeared to be a conspiracy to transport undocumented aliens.

Violation Number 2: The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.

Nature of Noncompliance: As previously mentioned on Violation Number 1, U.S. Border Patrol agents were conducting surveillance operations in Santa Teresa, New Mexico, on December 4, 2023, and determined Gonzalez-Pena, who was the driver of the Acura SUV, had picked-up undocumented aliens in Santa Teresa, New Mexico. As such, at the time Gonzalez-Pena committed the new federal offense, he had left the judicial district without the permission of the court or probation officer.

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U.S. Probation Officer Recommendation:

The term of supervision should be

revoked.

extended for _____ years, for a total term of _____ years.

modified as follows:

Respectfully submitted,



Ana Laura Guerrero
U.S. Probation Officer
Office (915) 585-6585
Cellular (915) 204-4773

Approved by,



Rebecca Gonzales
Supervising U.S. Probation Officer
Office (915) 585-6559
Cellular (915) 861-8572

Date: January 3, 2024

THE COURT ORDERS:

- No action.
 The issuance of a warrant.
 The issuance of a summons.
 Other



Kathleen Cardone, U.S. District Judge

January 4, 2024

Date